



IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 7474**
Minoru MORIYA et al. : Attorney Docket No. 2005_0136A
Serial No. 10/522,718 : Group Art Unit 1626
Filed January 28, 2005 : Examiner Laura Lynne Stockton

ANTAGONISTS TO MELANIN : **Mail Stop: Amendment**
CONCENTRATING HORMONE RECEPTOR
COMPRISING BENZIMIDAZOLE
DERIVATIVES AS ACTIVE INGREDIENT

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEE FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975.

Sir:

Responsive to the Office Action of November 7, 2007, constituting a restriction requirement among Groups I-V as defined by the Examiner on pages 2-3 of the Office Action, Applicants hereby elect the subject matter of Group I, i.e. claims 1-11, 14-19 and 21-26 (in part), drawn to products of formula [I] wherein R^1 and R^2 together do not form a ring; W is an aromatic heterocycle; and Ar is an aromatic carbocycle, with traverse.

Applicants traversal of the restriction requirement is based on the fact that Groups I-V do not cover all of the claimed subject matter, although this has been apparently recognized by the Examiner in stating that "this list is not exhausted" (second paragraph on page 4).

For example, when R^1 and R^2 together do not form a ring, Groups I-V do not cover the compounds where (1) W is an aromatic carbocycle and Ar is an aromatic heterocycle, (2) W is alkylene and Ar is an aromatic carbocycle, (3) W is an aromatic carbocycle and Ar is an aromatic heterocycle or (4) W is alkylene and Ar is an aromatic carbocycle. In addition, when R^1 and R^2

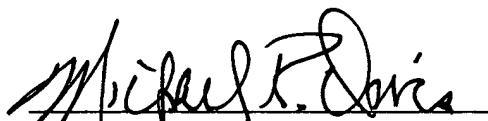
together do form a ring, Groups I-V do not cover the compounds where (1) W is alkylene and Ar is an aromatic carbocycle or (2) W is alkylene and Ar is an aromatic carbocycle. Perhaps the Examiner would consider it appropriate to add a Group VI subject matter directed to any claimed subject matter which is not encompassed by Groups I-V.

This election is made while reserving Applicants' rights under 35 U.S.C. §121 to file a divisional application for the non-elected subject matter.

Action on the merits is requested.

Respectfully submitted,

Minoru MORIYA et al.

By: 

Michael R. Davis

Registration No. 25,134

Attorney for Applicants

MRD/pth
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
December 7, 2007